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Jill K. Jinks

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10/20/2006

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EXAMINER

RINES, ROBERT D

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/008,182

Applicant(s)

JINKS, JILL K.

Examiner

Robert D. Rines

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

*Notice to Applicant*

[1] This communication is in response to the amendment filed 8 August 2006. It is noted that this application benefits from Provisional Patent Application Serial No. 60/247,364 filed 9 November 2000. Claims 2, 7, and 10 have been amended. Claims 1-17 are pending.

Rejections of claims 1-17 are maintained as set forth in the previous Office Action mailed 7 February 2006, herein incorporated by reference. Applicant's remarks are addressed below.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

[2] Claims 1-3, 5-8, 10-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (United States Patent Application Publication #2005/0240451) in view of French et al. (United States Patent Application Publication #2001/0037281).

[A] As per claim 1, Johnson et al. teaches a system for interactively evaluating a commercial insurance risk based on underwriting information for an insurance carrier comprising: an agent interface (Johnson et al.; paragraph [0008] [0026]) a carrier interface (Johnson et al.; paragraph [0026]); and an interactive insurance server communicatively connected to the agent interface and the carrier interface through a network (Johnson et al.; paragraph [0026] [0043]) wherein the interactive insurance server receives insurance information comprising a commercial insurance class from the agent interface (Johnson et al.; paragraph [0034]), receives underwriting information comprising at least one underwriting rule for an insurance carrier (Johnson et al.; paragraphs [0011] [0036]), stores the insurance information and the underwriting information in a database associated with the interactive insurance server (Johnson et al.; paragraphs [0034] [0036]) retrieves the respective underwriting rule for an insurance carrier from the database (Johnson et al.; paragraphs [0029] [0036]) and processes the insurance information in accordance with the respective underwriting rules and determines whether a premium quotation may be issued (Johnson et al.; paragraphs [0029] [0037]).

[i] Although Johnson et al., provides functions that would indicate that Johnson et al., contemplated applying the system to insurance plans offered by multiple insurance carriers, e.g., user selection of insurance plans from multiple insurance plan options generated by the system (Johnson et al.; paragraphs [0053] [0054]), and user access to documentation regarding the insurance company providing the products (Johnson et al.; paragraph [0070]) indicating that potentially more than one insurance company's data/underwriting rules are accessible by the

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system, the Johnson disclosure appears to be primarily directed to in house use by a single carrier. Therefore, Johnson et al. fails to teach interfaces to multiple or a plurality of insurance carriers.

[ii] However, French et al., teaches receiving data/information related to the underwriting of an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.; paragraphs [0029] [0030] [0033]).

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Johnson et al. with those of French et al. Such combination would have resulted in a system/method for the customized development of insurance plans for a customer (Johnson et al.; Abstract). Additionally, such a system/method would serve to store customer data and insurance plan requirements data in a database such that customer selections/information and the insurance plan information could be used to construct a set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0034] [0036] [0037]). Lastly, such a method/system would expand the insurance plans available to the customer to include a variety of plan proposals from two or more carriers (French et al.; paragraph [0006]). The motivation to combine the teachings would have been to enable customer selection from insurance plan proposals from one or more carriers who sell the desired product, thereby providing the customer with the best price quote for the product (French et al.; paragraphs [0006] and [0009]).

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[B] As per (currently amended) claim 2, Johnson et al., teaches a system wherein in response to a determination that a premium quotation may be issued, the interactive insurance server further calculates a premium quotation for at least one insurance carrier (Johnson et al.; paragraphs [0029] [0036]). Johnson et al., fails to specifically teach data/information exchange with two or more insurance companies.

[i] However, French et al., teaches receiving data/information related to the underwriting of an insurance policy from a plurality of insurance carriers from the carrier interface, and therefore teaches calculating a premium quotation for at least one insurance carrier selected from the two or more insurance carriers (French et al.; paragraphs [0029] [0030] [0033]).

[C] As per claim 3, Johnson et al., teaches a system wherein the interactive insurance server transmits the premium quotation to the agent interface for display to a user (Johnson et al.; paragraph [0038] [0053] [0054] [0070]).

[D] As per claim 5, Johnson et al. teaches a system wherein in response to a determination that a premium quotation may not be issued, the interactive insurance server forwards the risk to the carrier interface for consideration by an underwriter (Johnson et al.; paragraphs [0026] [0036] [0037]).

NOTE: Johnson et al., teaches a plan configuration engine module which analyzes the customer's census data and the insurance plan requirements data to ensure that the plan configured by the

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salesperson can be sold to the customer (Johnson et al.; paragraphs [0036] [0037]). Johnson et al., further teaches connection between the salesperson's (agent's) computer and a server computer, the server computer being "maintained to provide customer information to non-sales personnel such as underwriting" (Johnson et al.; paragraph [0026]). The examiner is interpreting the above features of Johnson et al., as indicative of Johnson's intention to enable an agent, upon determination that a customer's data prohibits the customer meeting the requirements for the plans in the database, to forward the customer data to a company underwriter.

[i] Regarding claims 2-3, and 5, the obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claims 2-3, and 5 and are herein incorporated by reference.

[E] As per claim 6, Johnson et al., teaches a system for interactively evaluating a commercial insurance risk based on underwriting information for an insurance carrier comprising: an agent interface (Johnson et al.; paragraph [0008] [0026]); a database comprising underwriting information comprising at least one underwriting rule for an insurance carrier (Johnson et al.; paragraph [0036]); and an interactive insurance server communicatively connected to the agent interface and the database through a network (Johnson et al.; paragraphs [0026] [0034]) wherein the interactive insurance server receives insurance information comprising a commercial insurance class from the agent interface (Johnson et al.; paragraph [0034]), stores the insurance information on the database (Johnson et al.; paragraph [0034]), retrieves the respective underwriting rules for the insurance carrier from the database (Johnson et al.; paragraphs [0034]



[0036]) and processes the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for the insurance carrier (Johnson et al.; paragraphs [0029] [0037]).

[i] Although Johnson et al., provides functions that would indicate that Johnson et al., contemplated applying the system to insurance plans offered by multiple insurance carriers, e.g., user selection of insurance plans from multiple insurance plan options generated by the system (Johnson et al.; paragraphs [0053] [0054]), and user access to documentation regarding the insurance company providing the products (Johnson et al.; paragraph [0070]) indicating that potentially more than one insurance company's data is accessible by the system, the Johnson disclosure appears to be directed to in house use by a single carrier. Therefore, Johnson et al. fails to teach interfaces to multiple or a plurality of insurance carriers.

[ii] However, French et al., teaches receiving data/information related to the underwriting of an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.; paragraphs [0029] [0030] [0033]).

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Johnson et al. with those of French et al. Such combination would have resulted in a system/method for the customized development of insurance plans for a customer (Johnson et al.; Abstract). Additionally, such a system/method would serve to store customer data and insurance plan requirements data in a database such that

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customer selections/information and the insurance plan information could be used to construct a set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0034] [0036] [0037]). Lastly, such a method/system would expand the insurance plans available to the customer to include a variety of plan proposals from two or more carriers (French et al.; paragraph [0006]). The motivation to combine the teachings would have been to enable customer selection from insurance plan proposals from one or more carriers who sell the desired product, thereby providing the customer with the best price quote for the product (French et al.; paragraphs [0006] and [0009]).

[F] As per (currently amended) claim 7, Johnson et al., teaches a system wherein in response to a determination that a premium quotation may be issued, the interactive insurance server calculates a premium quotation for at least one insurance carrier (Johnson et al.; paragraphs [0029] [0036]). Johnson et al., fails to specifically teach data/information exchange with two or more insurance companies.

[i] However, French et al., teaches receiving data/information related to the underwriting of an insurance policy from a plurality of insurance carriers from the carrier interface, and therefore teaches calculating a premium quotation for at least one insurance carrier selected from the two or more insurance carriers (French et al.; paragraphs [0029] [0030] [0033]).

[G] As per claim 8, Johnson et al., teaches a system wherein the interactive insurance server

transmits the premium quotation to the agent interface for display to a user (Johnson et al.; paragraphs [0038] [0053] [0054] [0070]).

[i] Regarding claims 7 and 8, the obviousness and motivation to combine as discussed with regard to claim 6 above are applicable to claims 7 and 8 and are herein incorporated by reference.

[H] As per (currently amended) claim 10, Johnson et al. teaches a method for interactively evaluating a commercial insurance risk in an interactive insurance system comprising an agent interface (Johnson et al.; paragraph [0008] [0026]), a carrier interface (Johnson et al.; paragraph [0026]) and an interactive insurance server communicatively connected to the agent interface and the carrier interface over a network (Johnson et al.; paragraphs [0026] [0043]), the method comprising: receiving at the interactive insurance server underwriting information for an insurance carrier (Johnson et al.; paragraphs [0011] [0036]) wherein the underwriting information comprises at least one underwriting rule corresponding to one or more classes of commercial insurance (Johnson et al.; paragraphs [0011] [0036]); receiving at the interactive insurance server insurance information from the agent interface (Johnson et al.; paragraphs [0034] wherein the insurance information comprises a commercial insurance class for which a premium quotation is requested (Johnson et al.; paragraphs [0034] [0038]); storing the insurance information and the underwriting information in a database associated with the interactive insurance server (Johnson et al.; paragraphs [0034] [0036]); retrieving at least one underwriting rule corresponding to the commercial insurance class for an insurance carrier (Johnson et al.;

paragraph [0037]); and processing the insurance information in accordance with the respective underwriting rules to determine whether a premium quotation may be issued for the insurance carrier (Johnson et al.; paragraph [0037]).

[i] Although Johnson et al., provides functions that would indicate that Johnson et al., contemplated applying the system to insurance plans/underwriting information offered by multiple insurance carriers, e.g., user selection of insurance plans from multiple insurance plan options generated by the system (Johnson et al.; paragraphs [0053] [0054]), and user access to documentation regarding the insurance company providing the products (Johnson et al.; paragraph [0070]) indicating that potentially more than one insurance company's data is accessible by the system, the Johnson disclosure appears to be directed to in house use by a single carrier. Therefore, Johnson et al. fails to teach interfaces to multiple or a plurality of insurance carriers.

[ii] However, French et al., teaches receiving data/information related to the underwriting of an insurance policy from a plurality of insurance carriers from the carrier interface (French et al.; paragraphs [0029] [0030] [0033]).

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Johnson et al. with those of French et al. Such combination would have resulted in a system/method for the customized development of insurance plans for a customer (Johnson et al.; Abstract). Additionally, such a system/method

would serve to store customer data and insurance plan requirements data in a database such that customer selections/information and the insurance plan information could be used to construct a set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0034] [0036] [0037]). Lastly, such a method/system would expand the insurance plans available to the customer to include a variety of plan proposals from two or more carriers (French et al.; paragraph [0006]). The motivation to combine the teachings would have been to enable customer selection from insurance plan proposals from one or more carriers who sell the desired product, thereby providing the customer with the best price quote for the product (French et al.; paragraphs [0006] and [0009]).

[I] As per claim 11, Johnson et al., teaches a method further comprising calculating a premium quotation in response to a determination that a premium quotation may be issued (Johnson et al.; paragraphs [0029] [0036]).

[J] As per claim 12, Johnson et al., teaches a method further comprising transmitting the premium quotation to the agent interface for display to a user (Johnson et al.; paragraphs [0038] [0053] [0054] [0070]).

[K] As per claim 17, Johnson et al. teaches a method further comprising forwarding the insurance information to the carrier interface in response to a determination that a premium quotation may not be issued (Johnson et al.; paragraphs [0026] [0036] [0037]).

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NOTE: Johnson et al., teaches a plan configuration engine module which analyzes the customer's census data and the insurance plan requirements data to ensure that the plan configured by the salesperson can be sold to the customer (Johnson et al.; paragraphs [0036] [0037]). Johnson et al., further teaches connection between the salesperson's (agent's) computer and a server computer, the server computer "maintained to provide customer information to non-sales personnel such as underwriting" (Johnson et al.; paragraph [0026]). The examiner is interpreting the above features of Johnson et al., as indicative of Johnson's intention to enable an agent, upon determination that a customer's data prohibits the customer meeting the requirements for the plans in the database, to forward the customer data to a company underwriter.

[i] Regarding claims 11-12, and 17 the obviousness and motivation to combine as discussed with regard to claim 10 above are applicable to claims 11 and 12 and are herein incorporated by reference.

[3] Claims 4, 9, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. and French et al. as applied to claims 1, 6, and 10 above, and further in view of Maury et al. (United States Patent Application Publication #2002/0046064)

[A] As per claim 4, neither Johnson et al., nor French et al. teach issuing a policy online.

[i] However, Maury et al., teaches wherein the interactive insurance server receives an acceptance of the premium quotation and issues an insurance policy based on the premium quotation (Maury et al.; Abstract and paragraph [0041]).

[ii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Johnson et al. and French et al., with those of Maury et al. Such combination would have resulted in a system/method capable of storing customer data and storing insurance plan requirements data such that the customer's data along with the insurance plan requirements data could be utilized to generate a set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0036] [0037]). Further, such combination would enable the customer, upon making a selection, to purchase the product on-line and would further allow the carrier to issue the policy online (Maury et al.; paragraph [0041]). The motivation to combine the teachings would have been to furnish a customer with an on-line quote for an insurance product in real-time and further enable a customer to purchase the policy online (Maury et al.; paragraphs [0005] [0041]). Further motivation would have been to allow an underwriter to copy underwriting rules to a server that houses a rating engine to enable automated underwriting and on-line issuance of insurance products (Maury et al.; paragraph [0041]) thereby reducing costs in terms of CSR personnel (Maury et al.; paragraph [0006]).

[B] As per claim 9, neither Johnson et al., nor French et al. teach issuing a policy online.

[i] However, Maury et al., teaches a system wherein the interactive insurance server receives an acceptance of the premium quotation and issues an insurance policy based on the premium quotation (Maury et al.; paragraph [0041]).

[ii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Johnson et al. and French et al., with those of Maury et al. Such combination would enable the customer, upon making a selection (Johnson et al.; paragraphs [0036] [0037]), to purchase the product online and would further allow the carrier to issue the policy online (Maury et al.; paragraph [0041]). The motivation to combine the teachings would have been to furnish a customer with an on-line quote for an insurance product in real-time and further enable a customer to purchase the policy online (Maury et al.; Abstract and paragraphs [0005] [0041]).

[C] Regarding claims 13-16, Johnson et al., teaches transmitting insurance product related information to and from an interactive insurance server for underwriting an insurance product and displaying related data/proposals to a potential customer (Johnson et al.; Abstract and paragraphs [0011] [0026]). However, neither Johnson et al., nor French et al., teach using their systems for the online issuing of policies or associated activities that would occur following a customer and carrier agreeing to terms, e.g., generating a policy or binder and transmitting a policy or binder to the customer or agent via a computer network.



[i] However, Maury et al. teaches a method in which the network described for the online issuing of quotes is utilized for the issuing of policies online. Maury et al. teaches receiving an acceptance of the premium quotation at the interactive insurance server and generating an insurance policy based on the premium quotation and the insurance information (claims 13 and 15) (Maury et al.; paragraph [0041]), a method further comprising transmitting the insurance policy to the agent interface for display to a user (claim 14) (Maury et al.; Abstract and paragraph [0041]), and a method further comprising transmitting the policy binder to the agent interface for display to a user (Maury et al.; Abstract and paragraph [0041]).

NOTE: Maury et al., "makes use of computer hardware and software to provide a user with an on-line real time quote" (Maury et al.; Abstract). Further, Maury et al., indicates that during the process of providing a user with an on-line quote, upon receiving "user data and coverage information on a presentation server, deployable content profile information is retrieved by the presentation server" (Maury et al.; Abstract). Lastly, Maury et al. teaches that the same process and network technology is used for the "on-line purchasing and on-line issuance of insurance products" (Maury et al.; paragraph [0041]). Taken in their entirety, the examiner interprets the above noted features of the Maury et al. invention to encompass the applicant's transmitting insurance policies and binders to the agent/customer.

[ii] Regarding claims 13-16, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Johnson et al. and French et al., with those of Maury et al. Such combination would have resulted in a system/method capable

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of storing customer data and storing insurance plan requirements data such that the customer's data along with the insurance plan requirements data could be utilized to generate a set of insurance plans for consideration by the customer (Johnson et al.; paragraphs [0036] [0037]). Further, such combination would enable the customer, upon making a selection, to purchase the product on-line and would further allow the carrier to issue the policy online (Maury et al.; paragraph [0041]). The motivation to combine the teachings would have been to furnish a customer with an on-line quote for an insurance product over a computer network in real-time (Maury et al.; paragraphs [0005] [0041]), and further utilize the same procedures and network technologies to enable a customer to purchase the policy online (Maury et al.; paragraphs [0005] [0041]). Further motivation would have been to allow an underwriter to copy underwriting rules to a server that houses a rating engine to enable automated underwriting and on-line issuance of insurance products (Maury et al.; paragraph [0041]) thereby reducing costs in terms of CSR personnel (Maury et al.; paragraph [0006]).

***Response to Remarks***

Applicant's remarks filed 8 August 2006 have been fully considered but they are not persuasive. The remarks will be addressed below in the order in which they appear in the response filed 8 August 2006.

Applicant remarks that the combined teachings of Johnson et al. and French et al., do not describe the process defined by claim 1 of present application.

Specifically, Applicant remarks:

*Johnson et al. do not disclose "...an interactive insurance server that receives insurance information such as commercial insurance class, receiving underwriting information such as underwriting rules, stores the insurance information and underwriting information, retrieves the underwriting rules, and processes insurance information according to the underwriting rules."*

In response, Examiner directs Applicant's attention to the teachings of Johnson et al. at paragraphs [0034] [0036] [0037] [0038] and [0048]. In the above noted passages, Johnson et al. describe a system-enabled method that allows an insurance agent to enter relevant customer information into the system. Further, Johnson et al. specifies that input information include the customer's census information, which is needed to configure the insurance products.

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Additionally, Johnson et al. specify that the entered information be entered once and stored for use by the other modules of the system (i.e., insurance information received) for processing (Johnson et al.; paragraph [0034]). The above noted teaching, when taken in view of the collective teachings of Johnson et al., particularly those of paragraph 0048, which clearly state that the census information constitutes "all of the information needed to underwrite the insurance and process the application", indicates to the Examiner that this step provided by Johnson et al. meets Applicant's limitation of receiving insurance information including class of insurance.

Johnson et al. subsequently defines and describes the functions of the above noted "other modules". Of particular relevance to the present application are Johnson's insurance plan info database (Johnson et al.; paragraph [0036]), plan configuration engine module (Johnson et al.; paragraph [0037]), and preliminary proposal generator module (Johnson et al.; paragraph [0038]). Specifically, included in Johnson's insurance plan info database are descriptions of the products, related costs information, and plan requirements data, the latter of which the Examiner interprets as inclusive of stored underwriting information/rules. Examiner respectfully submits that this interpretation is justified given the disclosed function of the plan configuration module as defined by Johnson et al. at paragraph [0037]. Specifically, the plan configuration module uses the plan requirements data along with the customer's own census information to ensure that the plan configured may ultimately be sold to the customer (Johnson et al.; paragraph [0037]). As noted above, given that the census information is to include all information needed to underwrite and process the policy, and that this information is considered in light of the "plan requirements data", Examiner submits that the interpretation of plan requirements data as

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inclusive of underwriting rules is justified. Accordingly, Johnson et al. meet Applicant's limitations of receiving and storing insurance information and underwriting rules, retrieving stored insurance information and underwriting rules, and processing insurance information according to the underwriting rules. Of note is Johnson's proposal generator, which serves to provide cost information to prepare a final proposal to the customer, i.e., a quotation that accounts for the customer's census data meeting the defined plan requirements data.

Applicant remarks that the combined teachings of Johnson et al. and French et al., do not describe the process defined by claim 5 of present application.

Specifically, Applicant remarks:

*Johnson et al. does not disclose "...a system that in response to a determination that a premium quotation may not be issued, forwards the risk to underwriters."*

In response, Examiner directs Applicant's attention to the teachings of Johnson et al. at paragraphs [0026] [0036] and [0037]. In the above noted passages, Johnson et al. describe a system-enabled method makes determinations as to whether or not a particular plan "may ultimately be sold to this particular customer" (Johnson et al.; paragraph [0037]). Examiner interprets this teaching to indicate that there are instances in which a determination is made that, upon considering the customer's census information in light of the plan requirements data, that

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some customers may not meet the requirements and therefore, the plan may not be presentable to that particular customer.

With regard to Applicant's limitation of "forwarding the risk to an underwriter", Johnson et al. teaches a distributed system in which underwriting personnel can access the same server as the agents (Johnson et al.; paragraph [0026]). This indicates to the Examiner that underwriting personnel can be included at the "determination" of an agent at any time in the process defined in Johnson et al. paragraphs [0036]-[0038]. For consideration, Examiner directs Applicant's attention to claim 5 of the present application, which requires only that if a determination is made that a premium quotation may not be issued, the interactive insurance server forwards the risk to the carrier interface for consideration by an underwriter. As Johnson et al. clearly enables the system and agent to "determine" whether or not a customer meets particular plan requirements, and further the server makes information available to underwriting personnel at any time in the process, Examiner respectfully submits that Johnson et al. meets this limitation.

Applicant remarks that the combined teachings of Johnson et al. and French et al., do not describe the process defined by claim 6 of present application.

Specifically, Applicant remarks:

"Johnson et al. and French et al. do not disclose, either individually or in combination, a database comprising underwriting information such as underwriting rules for two or more insurance

carriers, and an interactive insurance server that receives insurance information such as commercial insurance class from an agent interface, stores the insurance information, retrieves the underwriting rules, and processes the insurance information according to the underwriting rules."

For the reasons given above, Applicant submits that Johnson et al. discloses a database comprising underwriting information such as underwriting rules for an insurance carrier, and an interactive insurance server that receives insurance information such as commercial insurance class from an agent interface, stores the insurance information, retrieves the underwriting rules, and processes the insurance information according to the underwriting rules (Johnson et al.; paragraphs [0036]-[0038]). Accordingly, Examiner applies Johnson et al. to meet the structural and functional limitations set forth in the present application. However, Johnson et al., in exemplary fashion, applies the invention to an individual insurance company/carrier.

Examiner applies French et al. to provide evidence that it is common practice among individual/independent insurance agents to assemble quotations from multiple insurance carriers (French et al.; Abstract and paragraphs [0029] [0030] [0033]), and accordingly it would have been obvious to one of ordinary skill in the art to have applied to Johnson et al. to common industry practice. Of note is Applicant's disclosure (Specification; pg. 2, lines 5-15), which indicates that brokers and MGAs are commonly authorized by more than one insurance carrier to act as their agent and issue premium quotations.

In conclusion, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 8 August 2006 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Johnson et al., French et al., and Maury et al., based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (mailed 7 February 2006), and incorporated herein.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Rines whose telephone number is 571-272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDR

*R. J. D. R. 10/13/06*

*John W. Hayes*  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER